IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 10696 of 2005

Between:

1 Dr.G.Kiran Kumar, S/o.G.Rajamallu,
r/o.A.K.Nagar, Nellore,Nellore District.
2 S.Ramesh Babu, S/o.Sambaiah,
R/o.Mulapet, Nellore, Nellore Dist.
3 K.Mohan, S/o.Muniratnam,
R/o.M.G.Palle, Chittoor District.
4 K.Hanumaiah, S/o.Malakondaiah,
R/o.Badevaripalem, Prakasam District.
5 Ch.V.Chowdary, S/o.Chalamaiah,
R/o.Bellam Kondavaripalem, Macharla Mandal,
Guntur District.
6 G.Kiran, S/o.Janardhan Rao,
R/o.Hanamkonda, Warangal District.
7 K.Ravinder, S/o.Pocham,
Jr.Telecom officer, R/o.Manthani,
Karimnagar District.
8 D.Babji Naik, S/o.Narayana Naik,
R/o.H.M.T.Satavahana Nagar, Hyderabad.
9 B.Rajakumari, D/o.Prakasam
A.C.T.O., R/o.Eluru,
West Godavari District.

..... PETITIONER(S)

AND

1 The Secretary, A.P. Public Service Commission, Nampally, Hyderabad.
2 Government of Andhra Pradesh, rep. by its Secretary, G.A.D. Department,
Secretariat Buildi

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more in the nature of writ of certiorari, calling for the order or direction more in the nature of writ of certiorari, calling for the records relating to and connected with the order dated 27-4-2005 as made in OA SR No.3758/2005 and quash the same, consequently declare the inaction on the part of the respondents in not considering the representations made by the petitioners on 31-3-2005 and 7-4-2005 seeking rescheduling of the 1st phase mains examinations of Group I services as being arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India, and pass such other order or orders or as are deemed fit and proper.

Counsel for the Petitioner: MR.D.SESHADRI NAIDU

Counsel for the Respondent No.: GP FOR GENERAL ADMINISTRATION

The Court made the following :

ORAL ORDER (PER THE HON'BLE SRI JUSTICE GODA RAGHURAM)

The petitioners are unsuccessful applicants before the Andhra Pradesh Administrative Tribunal whose application – O.A (SR) No.3758 of 2005 seeking the relief of postponement of Phase I of the Andhra Pradesh Public Service Commission (APPSC) Group – I main examinations scheduled to commence from 1-5-2005, was rejected by order of the Tribunal dated 27-4-2005.

The principal grievance of the petitioners is that the 1st respondent – APPSC has arbitrarily declined to accommodate the petitioners who were appearing both for various UPSC interviews as well as Group – I recruitment conduced by APPSC. The APPSC have scheduled Group I main examinations to commence from 1-5-2005, which clash with the schedule of interviews of UPSC at which the petitioners were also to appear.

There is no principle of law either pleaded, urged or demonstrated before this Court which required that the APPSC or the State Government should so schedule its recruitment including the preliminary or main examinations or interviews as to harmonise with the recruitment examinations or interviews not only of the Federal Government, but the several States to which some candidates might conjointly apply. In the absence of any legal right demonstrated, no Mandamus could be issued, as the existence of a legal right is the foundation for issuance of Mandamus.

The order of the Administrative Tribunal impugned in this writ petition is impeccable and warrants no interference.

The writ petition is accordingly dismissed.

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GODA RAGHURAM,J

Date: 3-5-2005

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DR. G.YETHIRAJULU,J

NOTE:

C.C. in two days

B/o

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To:

1 The Secretary, A.P. Public Service Commission, Nampally, Hyderabad.
2 The Secretary, Government of Andhra Pradesh, G.A.D. Department, Secretariat Building, Hyderabad.

3. Two C.Cs. to G.P. for GAD, High Court Buildings, Hyderabad.

4. Two C.D. copies.